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C O N F I D E N T I A L SECTION 01 OF 02 PRISTINA 001118

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SUBJECT: KOSOVO: UN SAYS KPC AND KPS WILL REMOVE ILLEGAL CONSTRUCTION IN DECANI MONASTERY PROTECTED ZONE

REF: PRISTINA 352

Classified By: CDA ALEX LASKARIS FOR FOR REASONS 1.4 (B) AND (D).

¶1. (C) SUMMARY: PD/SRSG Schook told us on December 28 that the illegal construction within the Decani Monastery's Special Zoning Area (SZA) will be taken down in a joint KPS/KPC operation within the next 36 hours. Fr. Sava, a moderate Orthodox monk who resides at the monastery, had sought our help to apply UNMIK regulations prohibiting new construction within the SZA. USOP met December 27 with Fr. Sava, and later with Decani mayor Nazmi Selmanaj to urge demolition of recent illegal construction. Selmanaj agreed that the construction -- enlargement of an existing restaurant -- needed to be demolished, and said he would urge the owner to do it himself. Ramush Haradinaj, whose AAK party Selmanaj belongs to, had told COM earlier that the structure would be demolished, and promised Deputy SRSG Schook on December 28 that it would be removed "by the end of next week." We will continue to follow this issue; it is an important test-case for the protection of minority rights and cultural heritage sites, as well as for the overall rule of law. END SUMMARY.

¶2. (SBU) PD/SRSG Shook called A/DPO on December 28 to confirm that the illegal construction within the SZA would be removed in a joint KPC/KPS operation. Shook said that the work would be done "today or tomorrow." USOP will call Fr. Sava and inform him of Schook's comments; we will also check in over the next two days to see how the work is going. (Note: We have forwarded photos of the illegal structures to EUR/SCE via the unclassified system.)

Remove the Illegal Construction

¶3. (C) On December 27 A/DPO met with Decani mayor Nazmi Selmanaj, deputy mayor Jashar Dobraj and CEO Hilal Tolaj and urged them to remove recent illegal construction in the Special Zoning Area (SZA) of the Serb Orthodox Decani monastery. He noted that this construction -- the enlargement of an existing restaurant -- was in clear violation of a 2005 UNMIK executive order prohibiting development in the SZA (reftel), and that this reflected

poorly on Kosovo's ability to protect its minority Serb community. Selmanaj readily agreed, and promised that the structure would be removed. However, he noted "difficulties" in getting municipal workers to remove it, suggesting approaching the owner to get his agreement to dismantle the structure. If this failed, he went on, perhaps members of the Kosovo Protection Corps (KPC) could be induced to do it. A/DPO said it was the municipality's responsibility to find a way, and added that COM had already spoken about the matter to Alliance of the Future of Kosovo (AAK) President Ramush Haradinaj, whose party Selmanaj belongs to and who promised that the structure would be demolished in the near future.

Father Sava's Concerns

¶4. (C) Before the meeting with Selmanaj, A/DPO visited with Decani monastery leader Father Sava Janjic, who expressed concern over a number of recent threats to the SZA, including enlargement of the restaurant, a planned road project and a water bottling factory, and other development projects. Father Sava noted that the monastery "could live with" the restaurant, which was established before the implementation of the SZA in 2005, but that the new construction was clearly illegal and unacceptable. Saying he had good relations with Selmanaj, Father Sava lamented that the mayor was just not strong enough to implement a demolition order. He argued that only Haradinaj had the authority to make certain this got done. (Comment: Sava is right. Haradinaj holds great sway in western Kosovo, where he is respected for his armed opposition to Serbian forces during the 1998-99 conflict. End Comment.) Father Sava said that protecting the SZA would not only benefit his monastery, but would preserve a pristine area -- the SZA is beautiful wooded, mountainous area -- for

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future generations of Kosovars, both Serb and Albanian. He noted that the monastery does not prohibit anyone from visiting the SZA and that Albanians take water from a stream and often swim in the nearby river during the summer.

Haradinaj's pledge

¶5. (C) Schook earlier told us that he had spoken with Haradinaj, who promised that it would be demolished "by the end of next week." (Note: Schook said he personally would press to have the entire restaurant removed, not just the new construction, to send a signal that the SZA is entirely off-limits to development. End Note.)

¶6. (C) COMMENT: We will follow up to ensure that the work is done, and we will continue to press UNMIK, the PISG, Haradinaj, and others on this issue. It sets the tone on how Kosovo will treat its Serb minority in the post-status environment; it is also a test case for the rule of law. We also agree that Decani is inseparable from its surroundings; even factoring out the political considerations, it would be a mistake to damage the natural beauty of the valley in which the monastery sits. END COMMENT.

¶7. (SBU) U.S. Office Pristina clears this cable in its entirety for release to U.N. Special Envoy Martti Ahtisaari.
LASKARIS